

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

THE DRA PARTIES' PRELIMINARY FACT WITNESS LIST

To the Honorable United States District Court Judge Laura Taylor Swain:

AmeriNational Community Services, LLC (the “**Servicer**”), as servicer for the GDB Debt Recovery Authority (the “**DRA**”), and Cantor-Katz Collateral Monitor LLC, a Delaware limited liability company (the “**Collateral Monitor**” and, together with the Servicer, collectively, the “**DRA Parties**”), which serves as the collateral monitor for Wilmington Trust, N.A. in connection with bonds the DRA issued, respectfully submit this Preliminary Fact Witness List in accordance with paragraphs 3 and 4 of the *Order Establishing Procedures and Deadlines Concerning Objections to Confirmation and Discovery in Connection Therewith* (ECF No. 17640, the “**Order**”).²

¹ The Debtors in these Title III cases, along with each Debtor’s respective Title III case number listed as a bankruptcy case number due to software limitations and the last four digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283 (LTS)) (Last Four Digits of Federal Tax ID: 3481), (ii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3566 (LTS)) (Last Four Digits of Federal Tax ID: 9686), (iii) Puerto Rico Highways and Transportation Authority (Bankruptcy Case No. 17-BK-3567 (LTS)) (Last Four Digits of Federal Tax ID: 3808), (iv) Puerto Rico Sales Tax Financing Corporation (Bankruptcy Case No. 17-BK-3284 (LTS)) (Last Four Digits of Federal Tax ID: 8474); (v) Puerto Rico Electric Power Authority (Bankruptcy Case No. 17-4780 (LTS)) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (Bankruptcy Case No. 19-BK-5233-LTS) (Last Four Digits of Federal Tax ID: 3801).

² Unless otherwise indicated, all ECF numbers referenced herein refer to the docket of Case No. 17-BK-3283 (LTS).

Pursuant to the Order, the Court directed Eligible Creditors to “file a preliminary fact witness list and topics about which each witness is expected to testify.” Order ¶ 3. However, the DRA Parties have yet to receive sufficient discovery from Ambac Assurance Corporation, Assured Guaranty Corp., Assured Guaranty Municipal Corp., National Public Finance Guarantee Corporation, Financial Guaranty Insurance Company, or from the Financial Oversight and Management Board for Puerto Rico and the Puerto Rico Fiscal Agency and Financial Advisory Authority. Additionally, there are significant information gaps in the Plan Depository. The DRA Parties have been expending significant efforts to resolve these informational issues with the various parties.

The DRA Parties reserve the right to call as witnesses:

1. All individuals identified by any other parties in their preliminary or final lists of witnesses filed pursuant to the Order.
2. All individuals deposed in connection with any of the Title III proceedings concerning the Commonwealth or HTA.
3. All individuals who provide testimony in connection with confirmation of the Plan and/or at the Confirmation Hearing.
4. Individuals to authenticate documents to be relied on in connection with confirmation of the Plan and/or at the Confirmation Hearing, including but not limited to the extent that adequate authentication of such documents is not accomplished through the Requests for Admission process pursuant to the Order and/or stipulations among the parties.

The DRA Parties reserve the right to supplement and/or revise the Preliminary Fact Witness List, in its entirety, through the trial preparation period, including as discovery is made available to the DRA Parties. The DRA Parties also reserve all rights to call all appropriate and

necessary witnesses at the Confirmation Hearing, including but not limited to the right, pursuant to the Order, to add fact witnesses or to call any rebuttal fact witnesses whether or not such witnesses were previously included in any version of the DRA Parties' Fact Witness List. The DRA Parties also reserve the right to not call any of the above-listed potential witnesses. By identifying the above-listed potential witnesses, the DRA Parties are in no way waiving any rights to challenge any witness on any grounds, including admissibility.

Dated: September 6, 2021
In San Juan, Puerto Rico.

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